

ORDINANCE NO. 1173

AN ORDINANCE OF THE CITY OF GENEVA, FILLMORE COUNTY, NEBRASKA, TO AMEND THE ZONING REGULATIONS TO CHANGE THE MAXIMUM HEIGHT OF ACCESSORY BUILDINGS TO PROVIDE FOR PUBLICATION; AND TO SET AN EFFECTIVE DATE

WHEREAS the Planning Commission initiated and recommended this amendment to the Zoning Regulations to change the maximum height of accessory buildings; and

WHEREAS public hearings on the proposed amendment were held before both the Planning Commission and City Council as required by law; and

WHEREAS the City Council finds it is in the best interests of the City of Geneva to adopt the recommended changes to the Zoning Regulations

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF GENEVA, FILLMORE COUNTY, NEBRASKA:

Section 1. Section 152.61 of the Geneva City Code is hereby amended as follows:

152.61 Accessory Buildings and Uses

- A. *Use for dwelling.* Accessory buildings shall not be used for dwelling purposes unless specifically permitted.
- B. *Size limitations.* Accessory buildings are intended to remain secondary in nature to the primary building or structure on the parcel or tract of land in which they are located. The maximum amount of accessory buildings shall be limited to two structures. Accessory buildings in all residential districts shall meet the following additional requirements:
 - 1. The maximum total square footage of all accessory buildings shall be as follows:

Zone	Zoning Description	Maximum Accessory Building Square Feet
R-1	Single Family	1,200
R-1	Two Family	1,200
R-2	Single and Multiple Family	1,200
C-1	Central Business District	1,200
C-2	Highway Commercial	No Limit
I-1	Industrial	No Limit
I-2	Industrial Park	No Limit
NRC	Single Family	No Limit

NRC	Two Family	No Limit
NRC	Multi-Family Dwelling	No Limit
NRC	Commercial	No Limit
NRC	Other Uses	No Limit

2. The combined square footage area of the primary and accessory buildings shall not exceed the maximum allowable lot coverage area as allowed by the zoning classification in which the buildings are located.
3. The maximum allowable building height of an accessory building shall be as follows Calculated as a vertical distance measured from the average elevation of the finished grade of the building to the highest point of the structure.

Zone	Zoning Description	Accessory Building Height (feet)
R-1	Single Family	16 <u>20</u>
R-1	Two Family	16 <u>20</u>
R-2	Single and Multiple Family	16 <u>20</u>
C-1	Central Business District	***
C-2	Highway Commercial	***
I-1	Industrial	***
I-2	Industrial Park	***
NRC	Single Family	No Limit
NRC	Two Family	No Limit
NRC	Multi-Family Dwelling	No Limit
NRC	Commercial	No Limit
NRC	Other Uses	No Limit
*** Maximum height no more than the primary building		

4. No accessory structure shall be constructed without a primary building or structure. No accessory building shall remain if the primary structure is removed or demolished.
- C. *Type of accessory building limitation.* An accessory building shall not be constructed of or be parts of the following items unless specifically permitted by the governing body after recommendation of the Planning Commission and public hearing of the governing body

after published notice and certified return receipt notice to the immediate neighbors of the proposed accessory building:

1. Mobile homes.
 2. Trailer houses.
 3. Round grain bins.
 4. Truck bodies.
 5. Van trailers.
 6. Pickup toppers.
 7. Any vehicle including but not limited to cars, pickups, vans, SUV's or trucks.
 8. Buses.
 9. Wagons.
 10. Van trucks.
 11. Recycled or salvaged materials unless structure meets all building codes and the exterior siding shall be of new materials - logs, bricks, cement blocks, non-rusted sheet metal or recomposed plastic are exempt from the need of new material exterior siding.
 12. Mobile storage containers including but not limited to sea containers, cargo containers, shipping containers, dry van containers and any other storage containers.
- D. *Vehicle access.* Unless otherwise specifically permitted, any accessory building requiring vehicle access from an alley way shall be located a minimum of 15 feet from the rear property line.
- E. *Attached accessory building.* Any accessory building attached to the principal building shall be considered as a part of the principal building and shall meet the same requirements as specified for the principal building in the district. Thus, attached accessory buildings are exempt from this subchapter.
- F. *Fire hazardous accessory uses.* No accessory use shall be located within ten feet of a residential dwelling that creates a fire hazard or would subject the residential structure to a potential fire, such as a detached fireplace, barbecue ovens, flammable liquid storage, and the like.
- G. *Yard requirements for accessory buildings.*
1. *Side yard.* Same as district in which accessory use is located except an accessory building may be located in the side yard as close as five feet to the property line and/or ten feet from any other building, whichever is greater, providing it is located between the rear building line of the principal building and the rear property line and no building shall be located within any easement or right-of-way.
 2. *Front yard.* No accessory building shall be located between the front building line of the principal building and the front property line.
 3. *Rear yard.* Unless specifically permitted, no accessory building shall be located closer than five feet from the rear property line and/or within ten feet of any other building, whichever is greater and no accessory building shall be located within any easement or right-of-way along the rear property line. If the accessory building requires vehicular access perpendicular to an alley, a minimum 15-foot access driveway is required between said accessory building and the alley.
 4. *Rear half of yard.* No accessory building shall be located in the front half of the building lot if no primary building is currently on the lot.

('84 Code, § 11-412) (Ord. 707, passed 12-21-98; Am. Ord. 785, passed 1-2-01; Am. Ord. 836, passed 11-4-02; Am. Ord. 927, passed 3-5-07; Am. Ord. 970, passed 1-18-10) Penalty, see § 152.999

Section 2. All conflicting provisions in the Code of Geneva are hereby repealed. All other provisions of the Code of Geneva shall remain in full force and effect except as set forth herein.

Section 3. This ordinance shall be published in book or pamphlet form within fifteen (15) days of passage. This ordinance shall be in full force and take effect immediately after its passage, approval, and publication according to law.

SUSPEND
READINGS _____
(3/4 VOTE)

FIRST READING October 21, 2024

SECOND READING November 4, 2024

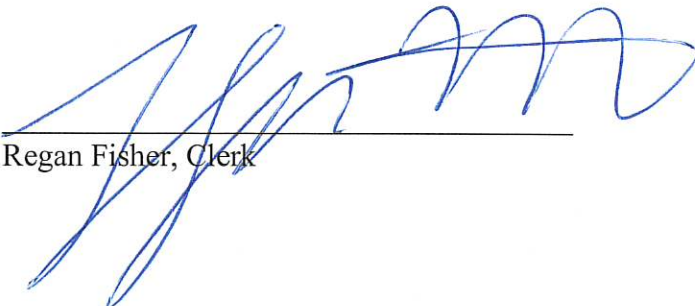
THIRD READING November 18, 2024

PASSED AND APPROVED THIS 18th DAY OF November, 2024



Cody Lightwine, Mayor

ATTESTED AND PUBLISHED IN BOOK OR PAMPHLET FORM WITHIN FIFTEEN (15) DAYS OF PASSAGE PER SECTION 30.45 OF THE GENEVA CITY CODE.



Regan Fisher, Clerk